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ABSTRACT

With the increase in violence over the past few decades, academic and human development practitioners have tried to better understand the dynamics of conflict and develop effective intervention and prevention strategies. There is an ever-deepening appreciation for the mediation process. The mediation process is a powerful problem-solving and educational tool since it utilizes the parties themselves to develop an agreement to resolve the conflict. Student development professionals are ideally suited to learn the skills of effective mediation. They already understand empathic listening, reframing, and human dynamics. They need only learn the theory and practice of the mediation process itself. Mediation is also promoted as an ideal method for dealing with issues of culture clash and cultural misunderstanding. The mediation process can help to break down stereotypes and to develop an appreciation for the uniqueness and richness of the other person. Student development professionals should acquire the training necessary to be certified, become mediators on campus, and train faculty and students in the skills of alternative dispute resolution. As an additional step, mediation programs could be developed that would not merely respond to conflict as it arises, but proactively work to transform issues of conflict into opportunities for developing cultural sensitivity and life-enhancing skills. (Contains 12 references.) (GCP)

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# MEDIATION
# and
# CONFLICT RESOLUTION
# in a
# MULTICULTURAL CONTEXT:

## NEW SKILLS FOR STUDENT DEVELOPMENT PROFESSIONALS

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**Introduction**

If someone walked into a community mediation center anywhere in the country, he or she would see a number of people sitting around a table, paper in front of them, conferring; sometimes one or another leaving the room with the facilitator – or mediator – to caucus and then to return and continue the process.

There has occurred over a number of years a "quiet revolution" in this land of ours (Volpe, 1994). Literally thousands of people who have been in conflict for years, sometimes resorting to violence or other hostile behavior, are now resolving their differences in peaceful and satisfying ways.

Even more interestingly the agreements they make tend to be longer lasting and more satisfying than those imposed by courts, arbiters or some other authority. Best of all the participants in this experiment called "alternative dispute resolution" are not only coming to agreements that they can live with, but are actually learning new conflict resolution skills in the process. These same skills: (separating the person from the problem, focusing on mutual interests rather than on entrenched positions, developing creative options to solve problems and using objective criteria rather than opinions to determine the fairness of an agreement), tend to carry over into their everyday lives.

There is quiet revolution occurring. There are conflict management programs in thousands of schools; courts have adopted this less expensive and more effective approach to resolving differences in civil cases – and sometimes in criminal cases as well; businesses use alternative dispute resolution (ADR) in liability and contract disputes; and colleges have adapted programs for students, staff and faculty.

The demand for skilled mediators is now so great that colleges and universities have developed certificate programs, academic majors and graduate programs in dispute resolution. But as the pool of trained mediators increases to meet the demand, what role do those who have already been educated as facilitators and change agents have to play? What is the role of counselors and other student development professionals in the dispute resolution movement? How can their skills be best utilized? How, in fact, do their skills relate to those needed to be an effective mediator?

## A. The Nature of Conflict

Conflict is all around us, from vying for a parking place in a crowded downtown to disagreements over curfews for children. It is common-place on college campuses and particularly at crowded urban colleges where cultural diversity adds special flavor to conflict situations and, at times, is at the very center of the conflict: determining what student club gets what space, scheduling events, decision-making in student government, inviting guest speakers and apportioning budgets for cultural events – to cite a few examples.

But what precisely do we mean by conflict? For our purposes we will use the definition from a standard text in the field: *conflict is an expressed struggle between at least two independent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals* (Hocker & Wilmot, 1995). Since life and life's resources are finite and since people have different value systems, conflict is inevitable. It's how we understand conflict, respond to it and work to resolve it satisfactorily that will affect the quality of our personal and professional lives.

If we resolve the conflict inadequately, it may return in a more virulent form; and if we impose settlements arbitrarily – even with good intentions – we may lose the opportunity to provide new learning opportunities and greater self-understanding.

## B. The Role of the Student Development Professionals in the Academic Community

Student development professionals are educated as counselors and as specialists in program development. In many ways they are perceived on campus as a "jack of all trades." They provide invaluable service to the college community: counseling students,

especially those with difficulties; assisting faculty in the area of classroom management; assisting students with discipline problems; and so forth. But there is a downside. They may not now be developing the skills in graduate school or in postgraduate study that are essential in higher education at this time. As a result, some may become redundant as others in the academic community do acquire those skills.

As more research is done in the area of dispute resolution, its body of knowledge increases, and the dynamics of the elements of how conflicting parties arrive at a fair, satisfying and lasting agreement becomes better understood by practitioners, mediation training has become more sophisticated. Have student development professionals kept up with these developments? Have they acquired the skills that many other professionals and paraprofessionals have been acquiring? There is some indication that at least at the City University of New York they have not. Of all those who have completed additional training through the CUNY Dispute Resolution Consortium and the certification program at John Jay College and who are listed as available to serve as resources to other campuses, only a relative handful are from divisions of student life or student development. It may be that student development professionals see themselves as having an unchanging repertoire of skills that are applied to changing situations and clients. But the times require more. They should rather see themselves as professionals who are constantly growing and expanding that repertoire. If student development professionals do not, there are others – lawyers, sociologists and even paraprofessionals – who will step in and provide the help that colleges need to implement effective dispute resolution programs on campus.

### C. New Skills for New Times

With the increase in violence and over the past few decades, academics and human development practitioners have tried to better understand the dynamics of conflict and develop effective intervention and prevention strategies. A body of knowledge has developed over the past twenty years and there is an ever-deepening appreciation for the power of the mediation process itself. In the hands of a trained and empathic mediator, the process itself – with its ground-rules and guidelines – is a powerful problem-solving and educational tool since it is the parties themselves who work to develop an agreement to resolve the conflict. Its effectiveness is attested to by the fact that philanthropic institutions have begun to support more research and action programs in alternative dispute resolution. A recent review by the author of the resources on file at The Foundation Center in New York City shows an exponential growth over the past ten years in funding on the topic.

The process of dispute resolution is transformative:

- It transforms conflict from a perceived danger to an opportunity to achieve a satisfying solution to a long-standing and usually painful problem

- It transforms the parties from feeling like victims to behaving like agents for change
- It transforms anger into problem-solving behavior
- And in the process it slowly but surely transforms society.

**Mediation**

Although there are many methods of conflict resolution, mediation is ideally suited to the campus: It involves new learning; its success affects the campus atmosphere; its benefits tend to persist; students can learn the skills of mediation and work with other students when conflicts arise; it fosters inter-group understanding; and it is relatively inexpensive. Mediation is commonly defined as *"a process whereby a neutral intervenor helps people involved in a dispute develop solutions that are acceptable to them"* (Stulberg, 1987, p.6). It involves many skills such as educating the parties on the benefits of mediation, active listening, reframing issues, setting guidelines for discussion, caucusing, and ensuring perceived fairness in the agreement. According to the Harvard Negotiation Project (Fisher, Ury & Patton, 1991, p.13) its four major components include:

- *Separate the people from the problem*
- *Focus on interests, not positions*
- *Invent options for mutual gain*
- *Insist on using objective criteria*

Student development professionals are ideally suited to learn the skills of effective mediation. They already understand empathic listening, reframing, and human dynamics. They need only learn the theory and practice of the mediation process itself and the value of achieving written agreements.

**D. Multicultural Issues**

This is the age of diversity and diversity tests everyone's attitudes, knowledge and skills. In the author's work as a mediator in New York City, he has had only two cases – out of hundreds – in which the conflicting parties had the same cultural background. The overwhelming majority of cases involved cross-cultural conflict, often when cultural clashes were at the very center of the conflict.

Although there is consensus among counselor educators that developing cross-cultural understanding and cross-cultural counseling skills should be part of graduate training programs, there is less agreement as to whether counselor preparation should be culture centered or whether cultural understanding should be peripheral or marginal to counseling theory and practice (Pedersen, 1997; Sue, 1994).

Pedersen (1997, p.20) in a recent article indicated that giving counselor training a culture-*centered* perspective allows for *"...more constructive conflict management. By focusing on the culturally learned shared values, on expectations (such as respect, trust, fairness or safety) behind the different and apparently contentious behaviors of two persons or groups it may become possible to identify common ground between those culturally different persons or groups. Focusing on the behaviors without regard for their cultural context will escalate the conflict, sometimes unnecessarily."* The same can be said for training in mediation.

The process of mediation empowers the parties by helping them learn and successfully use conflict resolution skills to achieve agreement. It also helps each party to understand each other better. The very process helps to break down stereotypes and to develop an appreciation for the uniqueness and richness of the other; how appropriate for campuses where diversity issues recur.

Dealing with issues of culture clash and cultural misunderstanding should be handled not in a way that is merely palliative but in a way that has long-lasting positive results. Unfortunately, even some of the work of Sue (1992), a specialist on issues of diversity and cross-cultural counseling, could be read in a way that seems to indicate that culture conflict in schools can be handled discretely, one issue at a time, by skilled professionals. A more valuable approach on college campuses would be a commitment to examine the implications of cultural diversity in a systematic way and to implement programs that would transform frequently occurring conflict into an opportunity for deep, substantial and developmental learning. But in spite of the quiet revolution that has been occurring throughout the country, mediation is still overlooked by many as a vehicle for better cross-cultural understanding. A review of six books selected at random that deal with multicultural issues on campus or in the schools, not one mentioned the use of mediation programs. They refer to conflict and culture clash, and describe ways to respond effectively but overlook the possibility of using mediation programs in creating new ways to foster lifelong learning (Banks & McGee Banks, 1993; Grant &Gomez, 1996; Parker, Archer & Scott, 1992; Pedersen &Carey, 1994; Sleeter, 1991).

Its time to take the next step and utilize the powerful process of mediation and give it a central place on campus. It is time also for counselors and student development professionals to play a central role in the conflict resolution movement.

## E. Conclusion

Methods of alternative despite resolution are being learned and used in a variety of settings. Public schools have established peer mediation programs and some colleges include mediation programs as part of the judicial process.

Thousands of mediators are being trained annually and it would seem that student development professionals are ideally positioned to take advantage of this phenomenon. They could acquire the training necessary to be certified (usually about twenty-five hours), become mediators on campus and train faculty and students in the skills of alternative dispute resolution. They could also develop mediation programs that would not merely respond to conflict as it arises, but proactively work to transform issues of conflict into opportunities for developing cultural sensitivity and life-enhancing skills.

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**G.2. Selected Associations**

The City University of New York Dispute Resolution Consortium
at John Jay College of Criminal Justice
445 W. 59 Street, Room 2111
New York, NY 10019

National Association For Community Mediation (NAFCM)
1901 L Street, Suite .600
Washington, D.C. 20036

National Association for Mediation in Education (NAME)

1726 M Street, N.W. Suite 500
Washington, D.C. 20036-4502

National Conference on Peacemaking and Conflict Resolution (NCPCR)
George Mason University
400 University Drive
Fairfax, VA 22030-4444

The Ombudsman Association
5521 Greenville Avenue, Suite 104-31
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